

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Johann Magg et al.
Application Number: 10/587,226
Filing Date: 07/24/2006
Group Art Unit: 3742
Examiner: Reginald Alexander
Title: BREWING CHAMBER FOR A COFFEE MACHINE,
AND COFFEE MACHINE

Mail Stop Appeal Brief - Patents

Commissioner for Patents

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REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a reply brief in the above-identified application. This Reply Brief is in reply to the Examiner's Answer dated April 6, 2010, and supplements the arguments made in Appellants' Appeal Brief filed February 8, 2010.

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(1) STATUS OF CLAIMS

The status of the claims is the same as listed in the Appeal Brief.

(2) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are the same as listed in the Appeal Brief.

(3) ARGUMENT

The arguments presented in the Appeal Brief are supplemented by the following arguments that are in reply to the Examiner's Response to Argument section of the Examiner's Answer. For clarity, the numbering of the subparagraphs herein is the same as in the Appeal Brief.

- B) Claims 23-27 and 36 are patentable under 35 U.S.C. §103(a) over the Fiori reference in view of U.S. Patent No. 3,561,349 (the Endo et al. reference)

The Office Action rejects claims 23-27 and 36 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Fiori reference in view of the Endo et al. reference. Applicants respectfully traverse this rejection.

ii) Claims 24-26

As stated in the Appeal Brief, claim 24 includes the feature of the elevated structure having circularly arranged ribs provided with gaps. The Examiner's Answer states that the spaces between the concentric ribs 22 of Endo (best shown in Figs. 2 and 3 of Endo) correspond to the claimed gaps. Applicants submit that this interpretation is contrary to the language of claim 24. All circularly arranged ribs necessarily have spaces between them or they would not be circularly arranged ribs. If there were no spaces between circularly arranged ribs, then they would together form one large circular protrusion, not a plurality of ribs. As a result, Applicants submit that "circularly arranged ribs provided with gaps" clearly means that at least two ribs are provided and each of those ribs has gaps in it so that the rib does not form a complete circle (as shown in Figs. 7a and 7b of the Application).

iii) Claim 27

Initially, Applicants restate that claim 27 should depend from claim 24 to provide proper antecedent basis for “the gaps.” Amendment B attempted to correct this typographical error. However, Amendment B was not entered.

Claim 27 includes the feature of the openings being arranged in the gaps in the ribs. The Examiner’s Answer states that it would be assumed that gaps between the ribs of Endo would contain openings because the top part of Fiori has many openings.

Applicants submit that, as stated in the Appeal Brief, the purpose of ribs 22 of Endo is to improve the seal with the coffee package (col. 2, lines 60-63) and that to provide openings between the ribs would frustrate this purpose by inhibiting any sealing feature of the ribs.

iv) Claim 36

The arguments presented above with regard to claims 24 and 27 also apply to claim 36.

(4) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner’s rejection.

Respectfully submitted,

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